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Date of Signature and Deposit: June 19, 2002


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Therese Ouellet, et al.

Date: June 19, 2002

Serial No.: 09/747,007

Group Art Unit: 1636

Filed: 12/21/2000

Examiner: Davis, K.F.

Title: TRANSLATIONAL REGULATORY
ELEMENTS

File No.: 411044.90030

RESPONSE TO RESTRICTION REQUIREMENTS

Commissioner For Patents
Customer Service Center
Initial Patent Examination Division
Washington, DC 20231

Dear Sir:

In response to an office communication dated January 24, 2002 in the file of the above-identified application, which imposed a requirement for restriction on the applicants, the applicants respond herewith as follows:

The applicant hereby elects the inventions of Group I, Claims 1-19 and 28-36, drawn to nucleic acid sequences which exhibit translational regulatory activity and to constructs comprising said nucleic acid sequences. The applicant further elects SEQ ID NO:6. The elections are made with traverse.

The requirement for restriction is traversed because the subject matter of Groups I, II, III and IV are inextricably linked. A proper search for the subject matter of Claims 1-19 and 28-36 will inevitably include the DNA sequence which are recited and claimed in Claims 20-24 and 37-40 (Group II), Claims 25-26 (Group III) and Claim 27 (Group IV). As such, it will be unnecessarily burdensome on both the applicants and the Office to consider this highly related



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subject matter in several separate patent applications. For these reasons it is requested that the restriction requirement be reconsidered and withdrawn.

In addition, SEQ ID NO:5-9, 15, 16, 18-20, 22-24 and 26 are closely related. SEQ ID NO:5-9 are different fragments of dNm. SEQ ID NO:15, 16 and 18-20 are variations of the elected SEQ ID NO:6 and each differs from SEQ ID NO:6 by only three nucleotides. SEQ ID NO:22-24 and 26 all contain the elected SEQ ID NO:6. As such, it will be unnecessarily burdensome on both the applicants and the Office to consider these highly related sequences in several separate patent applications. For these reasons it is requested that the election of SEQ ID NO requirement be reconsidered and withdrawn.

Wherefore examination on the merits is respectfully requested.

Respectfully submitted,



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